

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 507

AN ACT

To repeal sections 701.336, 701.340, 701.342, 701.344, and 701.348, RSMo, and to enact in lieu thereof five new sections relating to lead poisoning.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 701.336, 701.340, 701.342, 701.344, and 701.348, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 701.336, 701.340, 701.342, 701.344, and 701.348, to read as follows:

701.336. 1. The department of health and senior services shall cooperate with the federal government in implementing subsections (d) and (e) of 15 U.S.C. Section 2685 to establish public education activities and an information clearinghouse regarding childhood lead poisoning. The department may develop additional educational materials on lead hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and disposal, and on health hazards during abatement.

2. The department of health and senior services and the department of social services, in collaboration with related not-for-profit organizations, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. [The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning. The educational strategy shall be implemented over a three-year period and

shall be in accordance with all federal laws and regulations.]

3. The children's division, in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

701.340. 1. [Beginning January 1, 2002,] The department of health and senior services shall, subject to appropriations, implement a childhood lead testing program [which requires every child less than six years of age to be tested for lead poisoning] in accordance with the provisions of sections 701.340 to 701.349. Every medical provider who serves children shall annually provide education to all parents and guardians of children under four years of age regarding lead hazards to children and shall annually provide the option to test every child under four years of age for lead poisoning with the consent of the parent or guardian. In coordination with the department of health and senior services, every health care facility serving children [less than six] under four years of age, including but not limited to hospitals and clinics licensed pursuant to chapter 197, shall take appropriate steps to ensure that [their patients receive] the medical providers in the facility offer such lead poisoning testing in accordance with the provisions of this section.

2. The test for lead poisoning shall consist of a blood sample that shall be sent for analysis to a laboratory licensed pursuant to the federal Clinical Lab Improvement Act (CLIA). The department of health and senior services shall, by rule, determine the blood test protocol to be used.

3. Nothing in sections 701.340 to 701.349 shall be construed to require a child to undergo lead testing whose parent or guardian objects to the testing [in a written statement that states the parent's or guardian's reason for refusing such testing].

701.342. 1. The department of health and senior services shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at high risk for lead poisoning. [All children less than six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.]

2. Every child [less than] under six years of age [not residing or spending more than ten hours a week in geographic areas identified as high risk by the department] shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall, with the consent of a parent or guardian, be tested using a blood sample.

4. [Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once

every six months during the renovation and once after the completion of the renovation.

5.] Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

[6.] 5. When the department is notified of a case of lead poisoning, the department shall require the testing of all other children [less than] under six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead-poisoned child.

701.344. 1. In geographic areas determined to be of high risk for lead poisoning as set forth in section 701.342, every child care facility, as defined in section 210.201, and every child care facility affiliated with a school system, a business organization or a nonprofit organization shall, within thirty days of enrolling a child twelve months of age or older and under five years of age, require the child's parent or guardian to provide evidence of lead poisoning testing in the form of a statement from the health care professional that administered the test or provide a written statement that states the [parent's or guardian's reason for refusing] parent or guardian refused such testing. If there is no evidence of testing, the person in charge of the facility shall provide the parent or guardian with information about lead poisoning and locations in the area where the child can be tested. When a parent or

guardian cannot obtain such testing, the person in charge of the facility may arrange for the child to be tested by a local health officer with the consent of the child's parent or guardian. At the beginning of each year of enrollment in such facility, the parent or guardian shall provide proof of testing in accordance with the provisions of sections 701.340 to 701.349 and any rules promulgated thereunder.

2. No child shall be denied access to education or child care because of failure to comply with the provisions of sections 701.340 to 701.349.

701.348. Nothing in sections 701.340 to 701.349 shall prohibit a political subdivision of this state [or], a local board of health, or a state agency from enacting and enforcing ordinances, rules or laws for the prevention, detection and control of lead poisoning which provide the same or more stringent provisions as sections 701.340 to 701.349, or the rules promulgated thereunder.